

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SONRAI MEMORY LIMITED, Plaintiff, v. GOOGLE LLC, Defendant.	Case No. 6:21-cv-00167-ADA
SONRAI MEMORY LIMITED, Plaintiff, v. LG ELECTRONICS INC., LG ELECTRONICS U.S.A., INC., Defendants.	Case No. 6:21-cv-00168-ADA
SONRAI MEMORY LIMITED, Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., Defendants.	Case No. 6:21-cv-00169-ADA
SONRAI MEMORY LIMITED, Plaintiff, v. DELL TECHNOLOGIES INC., Defendant.	Case No. 6:21-cv-00361-ADA

SONRAI MEMORY LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-401-ADA

SONRAI MEMORY LIMITED,

Plaintiff,

v.

KINGSTON TECHNOLOGY COMPANY,
INC. and KINGSTON TECHNOLOGY
CORPORATION

Defendant.

Case No. 6:21-cv-00167-ADA

**DECLARATION OF HITOSHI SHIGA IN SUPPORT OF
DEFENDANTS' OPPOSED MOTION TO STAY
PENDING FINAL RESOLUTION OF PLAINTIFF'S MANUFACTURER LAWSUITS**

I, Hitoshi Shiga, hereby declare as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am senior manager of Memory Design Dept. II, Memory Design Managing Department at Kioxia Corporation ("KIC"). I have worked at KIC or its Toshiba predecessor companies (which include Toshiba Memory Corporation or Toshiba Corporation) since 1996.
3. As senior manager and group manager at KIC, I have responsibilities related to the design of Kioxia's memory products. I have had responsibilities related to the design and operation of Kioxia's or Toshiba's memory products for over 25 years.
4. I provide this declaration on behalf of KIC and Kioxia America, Inc. (collectively,

“Kioxia”). The statements in this declaration are based on my personal knowledge. If called to testify as a witness, I could and would testify competently and truthfully to each of the statements under oath.

5. Based on the complaints filed against KIC and Kioxia America, Inc. (“KAI”) (collectively, “Kioxia”), Western Digital Technologies, Inc., and Dell Technologies, Inc., I understand that Plaintiff is accusing SanDisk/Toshiba 64L 3D NAND flash chips with the die identifier FRN1256G (“Accused Kioxia and Western Digital Chips”) of infringing U.S. Patent Nos. 6,724,241 (the “’241 patent”) and 7,436,232 (the “’232 patent”).

6. KIC and Western Digital (which owns the SanDisk business) collaborate in designing certain NAND flash memory chips, including the Accused Kioxia and Western Digital Chips at issue here. KIC took the lead in designing the Accused Kioxia and Western Digital Chips.

7. KIC and Western Digital employ the engineers and other employees who are responsible for developing and designing the Accused Kioxia and Western Digital Chips. KIC and Western Digital alone also have the factual information and related documents showing the design and operation of the accused circuitry of the Accused Kioxia and Western Digital Chips.

8. KIC also controls the factual information, know-how and documents related to, and employs the engineers and other employees involved in, the manufacture of the Accused Kioxia and Western Digital Chips (in the form of semiconductor wafers).

9. Because this information regarding the circuit design and manufacture of the Accused Kioxia and Western Digital Chips is proprietary and strictly confidential, Kioxia does not share it with third parties, including any customers (including Customer Defendants), and it remains in the possession of the Kioxia and/or Western Digital. Kioxia and Western Digital

collectively are the exclusive source for information regarding the manufacture, design, and operation of the accused circuitry of the Accused Kioxia and Western Digital Chips.

10. Downstream customers, such as Apple, Dell, Google, LG, Samsung and Kingston (“Customer Defendants”), may acquire and incorporate Accused Kioxia and Western Digital Chips into their downstream products. However, customers, including the Customer Defendants, do not have the ability to make any modifications to the circuits accused of infringing the ’241 and ’232 patents and instead integrate the Accused Kioxia and Western Digital Chips “as is” with respect to their circuit designs.

11. KIC manufactured (in wafer form) in Japan the Accused Kioxia and Western Digital Chips. As to Plaintiff’s accusations of infringement of the ’241 and ’232 patents, the circuit design of the Accused Kioxia and Western Digital Chips is the same, even though the brand name may be either Kioxia/Toshiba or Sandisk.

12. KIC possesses substantial information regarding the manufacture and design of the Accused Kioxia and Western Digital Chips

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Kanagawa, Japan, on November 26, 2021.


HITOSHI SHIGA